IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 27898 of 2007(U)

AGAINST THE ORDER IN IA NO.835/2003 IN UNNUMBERED POP /03 of PRL.SUB COURT,THRISSUR

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PETITIONER:

SARADA, W/O. LATE RADHAKRISHNAN,
ADAMKAVIL HOUSE, MINALUR VILLAGE,
ATHANI DESOM, THALAPPALLY THALUK,
THRISSUR DISTRICT.

BY ADV. SRI.K.R.RAJKUMAR
SRI.JAGADEESH LAKSHMAN

RESPONDENT:

SIDDIQUE,S/O. SAINUDHEEN,
KAMMATHUVALAPPIL HOUSE,
THEKKUMKARA, WADAKKANCHERY VIA, THRISSUR.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.27898 OF 2007

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Dated this the 20th day of September 2007

JUDGMENT

This writ petition is filed for a direction to lift the attachment. A perusal of the writ petition would reveal that an indigent O.P. was filed before the vacation court along with I.A.No.835 of 2003 for attachment, which was ordered by the court. After the reopening of the court the matter was sent back to the Sub Court, Thrissur for further action. It is averred that the entire case bundle is missing. It is also averred that the parties have arrived at a settlement and in order to effectively settle the matter and for disposal of the property or mortgage of the property,it may be necessary and for the said purpose, the attachment has to be lifted. Whatever it may be, when a case is filed and the records are sent from the vacation court and when an urgency is mooted by the party it is for the office of the court to trace out the file and attempt to grant relief to the party as required by law.

Therefore, I direct the Prl.Sub Judge, Thrissur to give directions to the Sheristadar to locate the file and place before him within a time frame of

two weeks and then proceed with the matter in accordance with law. Even though I am disposing of the writ petition, the Sub Judge is directed to send a report to this court about what has happened to the tracing out of the file and the result therein.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-